

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

January 11, 2005

Brendan Holland
Counsel
Shaw Pittman, L.L.P.
2300 N Street, N.W.
Washington, D.C. 20037-1128

Re: Request for Deferment and Waiver of
FY 2004 Regulatory Fees
Control No. 00000RROG-04-081

Dear Mr. Holland:

This letter responds to your request dated August 17, 2004 for deferment and waiver of Fiscal Year (FY) 2004 regulatory fees totaling \$21,060.00 filed on behalf of the following licensees: Pegasus Broadcasting Associates, L.P. WILF(TV), Williamsport, PA; HMW, Inc., WPXT(TV), Portland, ME; WDSI License Corporation, WDSI-TV, Chattanooga, TN; WDSI License Corporation, WPDP-LP, Cleveland, OH; Wolf License Corporation, WOLF-TV, Hazleton, PA; WOLF License Corporation, W52CE, Sayre, PA; WTLH License Corporation, WTLH(TV), Bainbridge, GA; WTLH License Corporation, WBFL-CA, Valdosta, GA; WTLH License Corporation, WBVJ-LP, Valdosta, GA. (collectively License Companies).

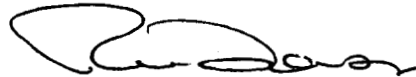
You state that on June 2, 2004, the License Companies, their direct corporate parent and certain other affiliated companies filed a voluntary petition for bankruptcy in the United States Bankruptcy Court, District of Maine seeking to reorganize under Chapter 11 of the United States Bankruptcy Code. In support, you have attached a copy of the initial Petition for Bankruptcy and a copy of the Bankruptcy Court's order authorizing the debtor companies to continue operating in the ordinary course.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship, and evidence of bankruptcy or receivership is sufficient to establish financial hardship. *See Implementation of Section 9 of the Communications Act*, 10 FCC Rcd, 12,759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have provided evidence establishing that the License Companies have been the subject of Chapter 11 bankruptcy proceedings since June 2, 2004. Therefore we grant a waiver of the FY 2004 regulatory

fees totaling \$21,060.00 for Pegasus Broadcasting Associates, L.P. WILF(TV), Williamsport, PA; HMW, Inc., WPXT(TV), Portland, ME; WDSI License Corporation, WDSI-TV, Chattanooga, TN; WDSI License Corporation, WPDP-LP, Cleveland, OH; Wolf License Corporation, WOLF-TV, Hazleton, PA; WOLF License Corporation, W52CE, Sayre, PA; WTLH License Corporation, WTLH(TV), Bainbridge, GA; WTLH License Corporation, WBFL-CA, Valdosta, GA; WTLH License Corporation, WBVJ-LP, Valdosta, GA.

If you have any questions concerning this letter, please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

00000 RRO6-04-081

DOCKET FILE COPY ORIGINAL

ORIGINAL

RECEIVED FCC

BRENDAN HOLLAND
(202) 663-8422

brendan.holland@shawpittman.com

2004 AUG 25 A 8:09

FINANCIAL OPERATIONS
CENTER

August 17, 2004

VIA HAND DELIVERY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW- A325
Washington, D.C. 20554

RECEIVED

AUG 17 2004

Federal Communications Commission
Office of Secretary

Attn: Mr. Andrew S. Fishel
Office of Managing Director

**Re: REQUEST FOR DEFERMENT AND WAIVER OF FISCAL YEAR 2004
REGULATORY FEES**

Pegasus Broadcast Associates, L.P., WILF(TV), Williamsport, PA (FIN 52075)
HMW, Inc., WPXT(TV), Portland, Maine (FIN 53065)
WDSI License Corp., WDSI-TV, Chattanooga, TN (FIN 71353)
WDSI License Corp., WPDP-LP, Cleveland, OH (FIN 52078)
WOLF License Corp., WOLF-TV, Hazleton, PA (FIN 73375)
WOLF License Corp., W52CE, Sayre, PA (FIN 52077)
WTLH License Corp., WTLH(TV), Bainbridge, GA (FIN 23486)
WTLH License Corp., WBFL-CA, Valdosta, GA (FIN 48763)
WTLH License Corp., WBVJ-LP, Valdosta, GA (FIN 23487)

Dear Ms. Dortch:

The above-referenced licensees (hereinafter "License Companies"), by their counsel and pursuant to Section 1.1166 of the Commission's Rules, hereby request a waiver of Section 1.1153 with regard to the Fiscal Year 2004 Annual Regulatory Fees owed by the licensees listed above. In lieu of submitting the FY 2004 regulatory fees, and consistent with Section 1.1166(c), the License Companies respectfully request a deferment of the submission of the regulatory fees, as well as a waiver of these fees based on a showing of financial hardship, as detailed below.

On June 2, 2004, the License Companies, their direct corporate parent, and certain other affiliated companies, filed a voluntary petition for bankruptcy in the United States Bankruptcy Court, District of Maine seeking to reorganize under Chapter 11 of the U.S.

OCT 06 2004
H

Ms. Marlene H. Dortch, Secretary
August 17, 2004
Page 2

Bankruptcy Code. *See In re: Pegasus Satellite Television Inc. et al.*, Case Number 04-20878 (Chapter 11) (Bnkr. D. Maine). The License Companies are currently operating as debtors-in-possession under the Bankruptcy Court's oversight as they go through the Chapter 11 process. A copy of the initial Petition for Bankruptcy is attached hereto, as well as a copy of the Bankruptcy Court's order authorizing the debtor companies to continue operating in the ordinary course. *See Exhibit 1.*

On July 2, 2004, the License Companies each filed electronically involuntary *pro forma* assignment of license applications on FCC Form 316 to request Commission consent to the assignment of the licensed stations to the License Companies as debtors-in-possession pursuant to the pending bankruptcy petition. These applications are currently pending with the FCC's Media Bureau. On July 15, 2004, the License Companies also filed a request for waiver of the application fees associated with these filings.

In light of the recently commenced bankruptcy proceeding, the License Companies respectfully request a deferment of the submission, and a waiver of the payment, of the FY 2004 regulatory fees associated with these licenses. Such a waiver is in the public interest and fully consistent with the Commission's prior precedent. Section 1.1166 allows a waiver of regulatory fees "where good cause is shown and where waiver, reduction or deferral of the fee would promote the public interest." 47 C.F.R. § 1.1166. The Commission has previously held that a corporate reorganization under Chapter 11 bankruptcy is, in and of itself, a sufficient demonstration of financial hardship. *See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum and Order, 10 FCC Rcd 12759, ¶ 14 (1995)(waiving regulatory fees for licenses held by debtor-in-possession, and stating "Evidence of bankruptcy or receivership is sufficient to establish financial hardship."); *see also MobileMedia Corporation, et al., Applicant for Authorizations and Licenses of Certain Stations in Various Services*, Memorandum and Order, 14 FCC Rcd 8017, ¶¶ 39-40 (1999)(finding that a licensee's bankruptcy "establishes good cause for wavier of filing fee" and that a waiver in those circumstances serves the public interest).

Without a deferment and waiver of these fees, the regulatory fees owed by the License Companies would total \$21,060.00. Please see Exhibit 2 attached hereto for a listing of these fees by licensee and call sign. Section 1.1166(e) provides for a waiver of regulatory fees up to a maximum amount of \$500,000. The License Companies' total FY 2004 regulatory fees are significantly less than the maximum waiver allowed. The License Companies and their parent corporations are financially distressed, as evidenced by the need to file for Chapter 11 bankruptcy protection. As demonstrated by

ShawPittman LLP

Ms. Marlene H. Dortch, Secretary

August 17, 2004

Page 3

Commission precedent, it is in the public interest to grant a deferral and waiver of these regulatory fees for these licensees so that the License Companies' financial resources can be conserved and otherwise used to continue operating these stations. Therefore, the License Companies respectfully request a waiver of the regulatory fees for the above referenced licensees.

Should you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brendan Holland", written in a cursive style.

Brendan Holland

Enclosures